

FILED

UNITED STATES COURT OF APPEALS

MAY 15 2008

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

DANTON BALLARD, individually and
on behalf of all others similarly situated; et
al.,

Plaintiffs - Respondents,

v.

WAL-MART STORES, INC.,

Defendant - Petitioner.

No. 08-80027

D.C. Nos. CV-06-02069-SBA

CV-06-05411-SBA

Northern District of California,
San Francisco

ORDER

Before: THOMAS and CALLAHAN, Circuit Judges.

Respondents' request to withdraw footnote 9 in the answer to the petition is granted. Petitioner's request to file a reply is granted. The Clerk shall file the reply, received on March 18, 2008.

The court, in its discretion, grants the petition for permission to appeal the district court's February 13, 2008 order granting class action certification. *See* Fed. R. Civ. P. 23(f); *Chamberlan v. Ford Motor Co.*, 402 F.3d 952 (9th Cir. 2005) (per curiam). Within 10 days of this order, petitioner shall perfect the appeal in accordance with Federal Rule of Appellate Procedure 5(d).

AT/MOATT